

IN THE COURT OF COMMON PLEAS
COSHOCTON COUNTY, OHIO

THE STATE OF OHIO,

Plaintiff,

vs.

MING XUE

Defendant,

Case No: 23 CR 0100

Judgment Entry on Sentencing

This matter came on for sentencing this 16th day of May, 2024. Present in Court were the Prosecuting Attorney, Benjamin E. Hall and Special Assistant Prosecutor, Lisa Treleven, representing the State of Ohio and the Defendant, MING XUE, represented by defense counsel, Thomas Kollin.

MANNER OF CONVICTION

On April 17, 2024, the Defendant appeared in this Court and entered a plea of guilty to Counts One (1) through Two Hundred Ninety-Nine (299) and Count Three Hundred Nine (309) of the indictment. Counts One (1) through Two Hundred Ninety-Nine (299), Counterfeiting, in violation of Ohio Revised Code Section 2913.30(B)(4), 2913.30(C), each a Felony of the Fourth Degree and Count Three Hundred Nine (309), Engaging in a Pattern of Corrupt Activity, in violation of Ohio Revised Code Section 2923.32(A)(1), 2923.32(B)(1), a Felony of the Second Degree. The Court found the Defendant guilty of the charges.

SENTENCING

This matter is now before the Court for sentencing. Pursuant to Criminal Rule 32 (A)(1), the Court inquired whether the Defendant had anything to say before the Court pronounced

sentence upon him. The Court heard the remarks and arguments of defense counsel and the Prosecuting Attorney. The Court also considered the pre-sentence investigation report, the Defendant's sentencing memorandum, and the victim's written statement read into the record by the Prosecuting Attorney.

SENTENCE IMPOSED

MERGER: COUNTS ONE THROUGH TWO HUNDRED NINETY-NINE

The Court finds that Count One (1) through Counts Two Hundred Ninety-Nine (299) merge with the sentence imposed for Count Three Hundred Nine (309). The State of Ohio elected to have Defendant sentenced on Count Three Hundred Nine (309).

INDEFINITE SENTENCE (COUNT THREE HUNDRED NINE)

Upon due consideration of the matters set forth in Sections 2929.12 & 2929.13 of the Ohio Revised Code, and all other matters pertinent to the sentence to be imposed, the Court hereby sentences the Defendant to an indefinite sentence with a minimum term of four (4) years and a maximum term of six (6) years, confinement in a State Penal Institution as supervised by the Ohio Department of Rehabilitation and Corrections for Count Three Hundred Nine (309) of the indictment, Engaging in a Pattern of Corrupt Activity, contrary to and in violation of Section 2923.32(A)(1), 2923.32(B)(1) of the Ohio Revised Code, a Felony of the Second Degree.

POST RELEASE CONTROL

The Court further advised the Defendant that in addition to imprisonment, a period of supervision by the Adult Parole Authority after release from prison is mandatory. As a person convicted of a felony of the second degree, the Defendant will have mandatory post release control for a period of up to three (3) years, but not less than eighteen (18) months. A violation of any post release control rule or condition can result in a more restrictive sanction while the Defendant

is under post release control, and increased duration of supervision or control, up to the maximum term and reimprisonment even though the Defendant has served the entire stated prison term imposed upon the Defendant by this Court for this offense. If the Defendant violates conditions of supervision while under post release control, the Parole Board could return the Defendant to prison for a total of one half of the Defendant's originally stated prison term. If the violation is a new felony, the Defendant can receive the prison term of the greater of one year or the time remaining on post release control in addition to any other prison term imposed for that offense.

REAGAN TOKES ADVISEMENT

The Court advised the Defendant that there is a rebuttable presumption the Defendant will be released from service of the sentence on the expiration of the minimum prison term imposed as part of the sentence or on the Defendant's presumptive earned early release date, whichever is earlier; that the Department of Rehabilitation and Correction may rebut the presumption of release after completing the minimum term or presumptive earned early release date, if the department makes a specified determination regarding the Defendant's conduct while confined, the Defendants' rehabilitation, the Defendant's threat to society, the Defendant's restrictive housing, if any while confined, and the Defendant's security classification; that if, the Department of Rehabilitation and Correction at the hearing makes the specified determinations and rebuts the presumption, the department may maintain the Defendant's incarceration after the expiration of that minimum term or after that presumptive earned early release date for the length of time the department determines to be reasonable; that the department may make the specified determinations and maintain the Defendant's incarceration more than one time; that if the Defendant has not been released prior to the expiration of the Defendant's stated maximum prison term imposed, the Defendant must be released upon the expiration of that stated maximum term.

The Court further advised the Defendant that for this non-mandatory prison sentence, the Department of Rehabilitation and Correction may grant a reduction of the minimum term for exceptional conduct or adjustment to incarceration through the Defendant engaging in activity or behavior that exceeds the requirements of the case plan, showing an advancement in education or vocational achievement, exemplifying a commitment to pro-social community involvement with approved religious, social, or volunteer organizations, and having no guilty findings before the Rules Infraction Board in the 24 months before consideration for reduction.

FINGERPRINTING

Defendant is required to be fingerprinted and photographed in accordance with Section 109.60 of the Ohio Revised Code.

COURT COSTS

Defendant is ordered to pay the costs of Prosecution.

Payment of costs is deferred until Defendant is released from incarceration.

The Court declined to impose a fine.

The Defendant is ordered to pay restitution to the victim in this case, InComm Financial Services, in the amount of \$161.39.


Defendant was provided with his appellate rights.

JAIL CREDIT

Defendant has 164 days of jail credit relating to this case.

Defendant was remanded to the custody of the Coshocton County Sheriff for transportation to the appropriate state penal institution.

Bond is released.


Robert J. Batchelor, Judge

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